REMARKS

Claims 1-28 are pending.

I. Specification Amendments

The specification is amended to explain that which was originally intended by the terms "semi-translucent" and "structure enhancing". In particular, as an object may be either transparent, opaque or somewhere between (i.e., translucent), "semi-translucent", as used in the present application means at least partially translucent, and as a result, at least partially transparent and/or opaque. As a result, the wetting repellent lacquer has translucent sections and other sections which are transparent or opaque.

Additionally, the specification has been amended to more particularly define "structure enhancing". As presented throughout the specification, and recited in the amended paragraph, the structure is enhanced by adding features to the structure with pigmentations. For example, by using pigments, shadows may be added to the structure.

No new matter is being entered.

I. Claim Amendments/New Claims

Claims 1-18 have been amended in accordance with the Examiners suggestions under Claim Objections. For example, the use of the phrase "characterized in that" has been replaced with "wherein". Accordingly, none of the amendments alters the scope of the claims.

New claims 19 through 25 have been added to further distinguish the present invention from the cited references. In particular, claims 19-23 are directed to the use of a digital image in forming the decorative surface element of the invention. Such features are presented in the specification beginning in the final full paragraph on page 5 and in the first full paragraph on page 13. New claims 24 and 25 are simply product-by-process claims, depending from the process claims. No new matter is being claimed.

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II. Drawing Changes

Applicants hereby submit a replacement drawing for the Figure, in which upper decorative layer 2 is now identified. Formal drawings will be provided when required.

III. 35 USC § 112

Claims 3-8, 11-13, 15 and 18 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention.

The Office Action asserts the use of the word several renders claim 3 indefinite because the requisite number of steps is not made clear. However, Applicants respectfully present, that "multiple applications" (instead of the original "several", but having the same meaning and scope) simply requires more than one step. This claim is not intended to be limited to any particular number of applications. Reconsideration is requested.

Claims 4-7 stand rejected because the term "hard" allegedly does not define the required hardness of the particles. In response, claim 4 has been amended to recite that the hardness of the particles must be greater than the hardness of the cured wear lacquer.

The Office Action rejects claims 5 and 6 for containing objectionable language, i.e., "for example" and "main part". In response, claims 5 and 6 have been amended to remove the objectionable language without changing their scope.

The Office Action asserts that claim 7 is indefinite because it does not specify how close "close" must be. In response, claim 7 has been amended to recite that the hard particles are close to the surface to provide abrasion resistance to the wear layer. Applicants respectfully present that the subject matter of claim 7 is not limited to any range of distances between the hard particles and the upper surface of the wear layer, as long as the location of the hard particles permits the particles to provide the abrasion resistance.

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Claim 8 stands rejected for not conveying the "intended amount" of silicone polymer required. Applicants respectfully assert that, as written, claim 8 requires any amount of silicone polymer. This claim is not limited the amount of silicone polymer present, as long as silicone polymer is present. Reconsideration is requested.

Claim 11 stands rejected due to its use of the phrase "semi-transparent". Specifically, the Office Action presents that such a term "fails to convey the amount of translucency required. However, it is respectfully presented that "semi-transparent" is defined as having translucent parts as well as transparent or opaque parts. Accordingly, the "amount of translucency required" is simply: some. This claim is not to be limited to any value other than "some".

The Office Action presents that the phrase "structure enhancing effect" of claims 12 and 13 renders the claims unclear. In response, the specification has been amended to more clearly define the "structure enhancing effect as including "a pattern or other design created by the pigmentation in the cured wetting repellent lacquer".

Finally, claims 15 and 18 stand rejected for its use of various terms. In response, these claims have been amended to overcome this rejection.

IV. 35 USC § 102

Claims 1-3, 8-14 and 16 stand rejected under 35 USC § 102(b) as allegedly being anticipated by JP 06-008392. The Office Action asserts because "lacquer" and "ink" are taken to be synonymous because of their intended uses, JP '392 discloses each feature of the rejected claims.

Applicants object to the use of the provided machine translation as prior art. Although it is understood that a machine translation may be an appropriate prior art reference, Applicants object to the hand-written insertions intended to clarify words which "can not [sic] be translated". Therefore, although the machine translation includes a hand-written notation indicating "w/ Matt Alt, STIC translator", the hand-written notations are neither part of the machine translation, nor a certified

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translation. Furthermore, the majority of the provided hand-written supplements to the machine translation are illegible. In addition, because the machine translation indicates words represented by a series of asterisks "can not be translated", it is understood that such words or phrases cannot simply be substituted by a translated word or phrase. Accordingly, it is respectfully presented that without a certification of the hand-written notations, such supplements to a prior art reference cannot be considered part of the "prior art".

In any event, it is respectfully presented that the provided machine translation cannot satisfy the enablement requirements to function as prior art. Applicants cannot understand the disclosure presented by the machine translated document, as, at best, the document is "broken" English. Even with the language provided by the Examiner, the document cannot be adequately understood. However, because the provided Abstract is comprehendible, despite also not being in standard English, Applicants will direct their remarks thereto.

It is respectfully presented that JP '392 does not disclose each feature of the pending claims. Specifically, claim 1, as amended herein, recites a decor layer, having a pattern, provided on the decorative upper surface of the base layer, with a wetting repellant lacquer placed thereupon. As a result, the pattern of the decor layer is disposed below the wetting repellant lacquer. Although the wetting repellant lacquer only covers part of the decorative upper surface, at least part of the wetting repellent lacquer matches the pattern of the decor layer on the decorative upper surface of the decorative upper surface. In contrast, as understood from the abstract (and assumed from the incomprehensible machine translation), JP '392 teaches to provide liquid repelling agent 5 on a solid printing layer 3. While JP '392 teaches that a pattern printing layer 4 may be provided, the Figures of the reference show that liquid repelling agent 5 is atop solid printing layer 3, and adjacent to pattern printing layer 4. Accordingly, liquid repellant agent 5 cannot be on the decorative upper surface as presently claimed.

Reconsideration is requested.

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V. 35 USC § 103

Claims 4-7, 15, 17 and 18 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over JP '392 alone or in view of either Gaeta et al (U.S. Patent No. 5,624,471) or GB 2,324,982A. It is respectfully presented that because neither Gaeta et al. nor GB '982 cure the deficiencies of JP '392, this rejection has been traversed. Reconsideration is requested.

VI. Conclusion

It is respectfully submitted that all objections and/or rejections are overcome and that all pending claims are directed to allowable subject matter. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

TPP/EPR
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ATTACHMENT I - Amended Drawing

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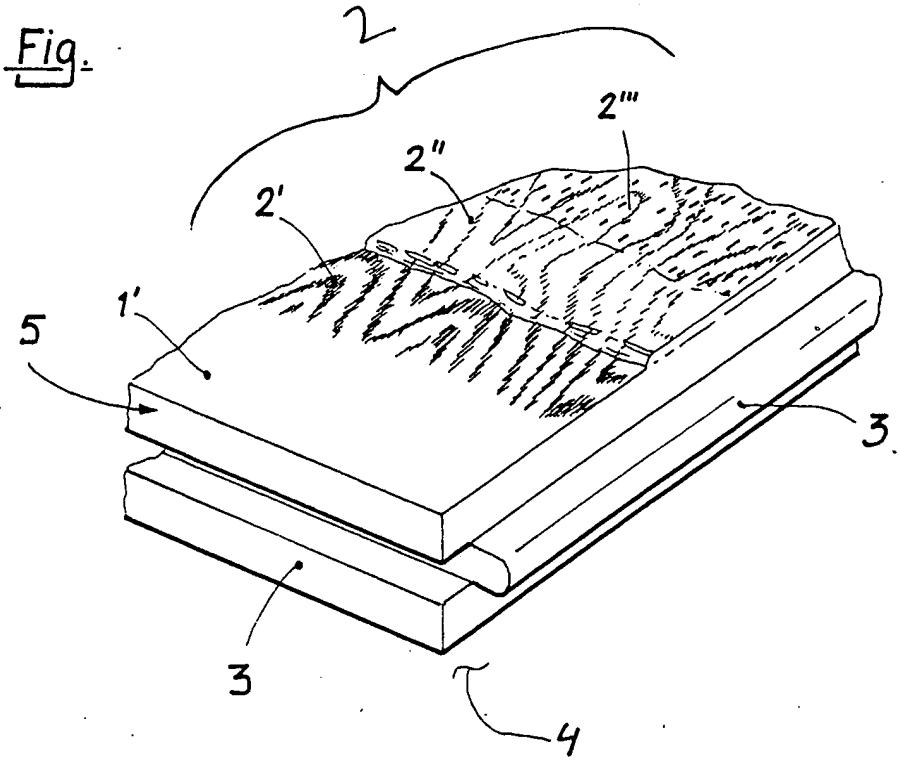
Fig.



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ATTACHMENT II - Marked-Up Specification Paragraphs

Page 9, first paragraph:

The wetting repellent lacquer is preferably also constituted of a UV or electron beam curing lacquer with a content of silicone polymer. It is suitable to use a wetting repellent lacquer which also comprises UV or electron beam curing acrylic, epoxy or a maleimide lacquer, and is thereby chemically compatible with the wear layer. The wetting repellant lacquer is suitable translucent of semi-translucent, whereby the cured wetting repellant lacquer has translucent parts as well as transparent or opaque parts

Page 9, second paragraph:

It is possible to enhance the structuring by adding pigmentation in the wetting repellent lacquer which will create a shadow effect in the structure. According to an alternative, with wetting repellant lacquer includes a matting agent which also creates a structure enhancing effect in the structure. Such a structure enhancing effect generally includes a pattern or other design created by the pigmentation in the cured wetting repellent lacquer.

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ATTACHMENT III - Marked-Up Claims

1. (Amended) A process for the manufacturing of a decorative surface element, which element comprises a base layer and a decorative upper surface, the process comprising [characterised in that],

i) providing the decorative upper surface with a decor layer, the decor layer comprising a pattern;

ii) printing a wetting repellant lacquer [is printed] in a predetermined pattern on the decorative upper surface, at least partially matching the pattern on the decor layer, the wetting repellant covering only part of the decorative upper surface, and thereafter [whereupon]

iii[ii]) applying a wear layer of a UV or electron beam curing lacquer [is applied] on top of the decorative upper surface, which UV or electron beam curing lacquer is repelled from the part of the surface being covered by the wetting repellant whereby a surface feature is achieved.

2. (Twice Amended) A process according to claim 1, wherein sad [characterized in that] UV or electron beam curing lacquer consists of one selected from the group consisting of an acrylic, epoxy and [or] a maleimide lacquer.

3. (Twice Amended) A process according to claim 1, wherein the applying step comprises multiple applications of [characterized in that] the wear layer [is applied in several steps] with intermediate partial curing between each of the multiple applications.

4. (Twice Amended) A process according to claim 1, wherein [characterized in that] the wear layer includes hard particles having a hardness greater than the hardness of the cured wear layer with an average particle size in the range of 50 nm - 150 μm.

5. (Twice Amended) A process according to claim 4, wherein [characterized in that] the hard particles consist [consists] of [for example] at least one selected from the group consisting of diamond, silicon oxide, α-aluminum oxide and [or] silicon carbide.

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6. (Twice Amended) A process according to claim 4, wherein [characterized in that in the main part] a first amount of the hard particles consist [consists] of one selected from the group consisting of silicon oxide, α-aluminum oxide and [or] silicon carbide, while a smaller amount consist of diamond.

7. (Twice Amended) A process according to claim 6, wherein [characterized in that] the hard particles consist [consists] of diamond, having an [is in the] average particle size in the range of 50 nm - 2 μm, and are [is] placed close to the upper surface of the wear layer, such that the hard particles provide the wear layer with abrasion resistance.

8. (Twice Amended) A process according to claim 1, wherein [characterized in that] the wetting repellant lacquer comprises [is constituted of] a UV or electron beam curing lacquer and [with a content of] a silicone polymer.

9. (Twice Amended) A process according to claim 8, wherein [characterized in that] the wetting repellant lacquer comprises UV or electron beam curing acrylic, epoxy or a maleimide lacquer.

10. (Twice Amended) A process according to claim 8, wherein [characterized in that] the wetting repellent lacquer is translucent.

11. (Twice Amended) A process according to claim 8, wherein [characterized in that] the wetting repellent lacquer is semi-translucent.

12. (Twice Amended) A process according to claim 11, wherein [characterized in that] the wetting repellent lacquer comprises [includes] a matting agent, whereby the matting agent creates a structure enhancing shadow effect.

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13. (Twice Amended) A process according to claim 11, wherein [characterized in that] the wetting repellent lacquer includes a matting agent, whereby the matting agent creates a structure enhancing effect.

14. (Twice Amended) A process according to claim 8. wherein [characterized in that] the wetting repellent lacquer is cured before the step where the wear layer is applied.

15. (Twice Amended) A process according to claim 1, wherein [characterized in that] the [decorative upper surface comprises a decor layer, which] decor layer is produced [originates] from a digitally stored original, that the digitally stored original is processed in order to achieve a digital structure original whereby a surface structure that [in every essential aspect] matches the decor is achieved.

16. (Twice Amended) A process according to claim 8, wherein [characterized in that] the printing comprises applying the wetting repellent lacquer [is applied] by means of an ink-jet printer.

17. (Twice Amended) A process according to claim 1, wherein [characterized in that] the base layer consists of a particle board or a fibre board.

18. (Twice Amended) A process according to claim 1, wherein [characterized in that] the base layer comprises [consists mainly of] a polymer.

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